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Letter dated 11 September 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to bring to your attention the attached report of the United Nations fact-finding mission on the prevailing situation between Djibouti and Eritrea.

The fact-finding mission visited Djibouti and Ethiopia from 28 July to 6 August 2008, in accordance with the consultations held by the Security Council on 24 June 2008 on the situation between Djibouti and Eritrea. The mission did not obtain approval from the Eritrean authorities to visit Eritrea.

I should be grateful if you could bring this report and its annexes to the attention of the Security Council members.

(*Signed*) **Ban** Ki-moon

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[Original: English]

Report of the United Nations fact-finding mission on the Djibouti-Eritrea crisis

28 July-6 August 2008

I. Introduction

1. Between 10 and 12 June 2008, serious clashes were reported between the Djibouti Armed Forces (DAF) and the Eritrean Defence Forces (EDF) along the undemarcated border between Djibouti and Eritrea, in an area known as Doumeira.[1] The clashes reportedly caused over 35 deaths and left dozens wounded on both sides, as well as some internal displacement at least on the Djibouti side. The clashes at Doumeira followed several weeks of military build-up and growing tension between DAF and EDF (which were in close proximity to each other) since April 2008. Following contacts with the Permanent Representatives of both countries, and at its request, the Security Council was briefed on the crisis between Djibouti and Eritrea by the Department of Political Affairs at three meetings, on 14 May and 12 and 24 June 2008.

2. In the aftermath of communications from Djibouti and Eritrea to the President of the Security Council, and pursuant to the statement issued by the President of the Council on 12 June (S/PRST/2008/20), in which the Council encouraged the Secretary-General "urgently to use his good offices and reach out to both parties ... to facilitate bilateral discussions to determine arrangements for decreasing the military presence along the border and to develop confidence-building measures to resolve the border situation", the Secretary-General directed the Department of Political Affairs to dispatch a fact-finding mission to the two countries to assess the political, security and humanitarian situation in the area. The mission was initially scheduled to visit Djibouti and Eritrea, as well as Ethiopia: Ethiopia shares a common border with both countries in the area of Mount Musa Ali and is also the current Chair of the Intergovernmental Authority on Development (IGAD). However, it was not possible for the fact-finding mission to visit Asmara or the Eritrean side of the border to ascertain the prevailing situation. In spite of several discussions and requests in New York and Asmara, the Eritrean authorities refused to issue visas to the mission.

3. As a result, the terms of reference of the mission were amended to include only visits to Addis Ababa — for consultations, including with the African Union, the League of Arab States and relevant Ethiopian Government officials — and Djibouti — for consultations with the Djibouti authorities. It was also envisaged that the mission would undertake a field visit to Doumeira and meet with the United Nations country team in Djibouti. The mission was led by Sam Ibok, Deputy Director, Africa II Division, Department of Political Affairs, and comprised the following members: Arnaud Huannou, Political Affairs Officer in the Department of Political Affairs; Douglas Langrehr, Military Planner in the Department of

[1] The Doumeira area comprises a mountain, Ras Doumeira, and the nearby Doumeira Island.

Peacekeeping Operations; and Laurent Dufour, Humanitarian Affairs Officer in the Office for the Coordination of Humanitarian Affairs.

II. Organization of work

Addis Ababa (28-31 July and 4-6 August)

4. The fact-finding mission visited Addis Ababa from 28 to 31 July and 4 to 6 August. In keeping with its terms of reference, the mission discussed the situation between Djibouti and Eritrea with several key interlocutors from the African Union, the League of Arab States and the Ethiopian Ministries of Defence and Foreign Affairs.[2]

Djibouti (1-4 August)

5. While in Djibouti, the mission met with several members of the Government, some key members of the diplomatic corps, the United Nations Resident Coordinator for Djibouti and several colleagues representing various United Nations programmes and agencies.[3] The mission was received in audience by the President of Djibouti, Ismail Omar Guelleh, on the last day of its visit.

6. Throughout its activities in Addis Ababa and Djibouti, the mission sought to organize its work and the execution of its terms of reference to, inter alia, achieve a better understanding of the following critical aspects: (a) the state of relations between Djibouti and Eritrea (both past and present), including an appreciation of the series of conventions, treaties and protocols that defined the frontier between the two territories at different points in the nineteenth and twentieth centuries; (b) the chronology of events that led to the clashes of 10 to 12 June; (c) developments in the border area since the clashes occurred; (d) the current military, security and humanitarian situation in the border area; and (e) the efforts undertaken by the African Union, the League of Arab States and the African, Caribbean and Pacific Group of States to defuse the tension and create an enabling environment for dialogue between the two States.

7. In addition to its meetings and the visit to Ras Doumeira, the mission was able to review a number of reports and other documents describing and analysing the current situation between Djibouti and Eritrea. A better appreciation of the history of the border between the two countries was particularly useful in trying to understand the possible motives behind what had been widely reported as an Eritrean occupation of Djibouti territory in Doumeira since March 2008. As would be expected, such an appreciation was possible only with the full cooperation and facilitation of the authorities in Djibouti.

III. Highlight of the mission

8. The main highlight of the mission's visit to Djibouti was the field trip to Ras Doumeira, along the border with Eritrea, where fighting took place between 10 and 12 June. Prior to driving by road to Ras Doumeira, the mission visited the

[2] See annex II.

[3] See annex III.

headquarters of DAF in Moulhoule, where it received a briefing on the situation at the border, under the auspices of the Djibouti Chief of Staff, General Zakaria Cheikh Ibrahim.

9. The visit to Ras Doumeira was particularly useful in that it allowed the fact-finding mission to (a) be informed about the nature and magnitude of the deployment of the two armies and (b) assess the potential for and the possible impact of a resumption of hostilities in the short and medium terms.

IV. History of the Djibouti-Eritrea border and implications for the status of Doumeira

10. Most of the border between Djibouti and Eritrea was never officially demarcated. An 1897 treaty between France (the colonial power) and King Menelik II of Ethiopia[4] defined the north-eastern section of the border between Djibouti and Eritrea from the northernmost tip of Ras Doumeira to Bissidirou. However, that particular section of the border was never demarcated on the ground. The exact position of the land boundary in Ras Doumeira is critical for establishing whether Eritrea has actually occupied Djibouti territory since March, as claimed by the Djibouti authorities. The position of the borderline would also be critical if the two States were to negotiate their maritime boundary on the Red Sea.

11. The status of Doumeira Island is also yet to be determined. The France-Italy protocols of 1900 and 1901 gave France and Italy joint sovereignty over the island, which the two colonial powers undertook to keep free of occupation, be it by one of them or by third parties. The Djibouti authorities estimate that the protocols reduced the territory of Djibouti by some 2,000 square kilometres by repositioning the land boundary with Eritrea about 40 kilometres below its position under the 1897 treaty.

12. A 1935 agreement between France and Italy allocated Doumeira Island to the then Italian-ruled Eritrea. That agreement also moved the continental frontier further south into territories previously considered to belong to Djibouti under the 1897 treaty and the protocols of 1900 and 1901. Under the 1935 agreement, Ras Doumeira and Doumeira Island, both of which were "seized" by EDF in March 2008, form part of Eritrean territory, by Eritrean reasoning. However, that agreement was never ratified, which is why Djiboutians have all along assumed that the protocols still apply.

13. In January 1954, France and Ethiopia signed a protocol to demarcate the frontier between the French territory of Djibouti and Ethiopia (which then included Eritrea). However, the on-ground demarcation was done only between Dirko Koma (near Mount Musa Ali) and Daddato, leaving the long section of the border that goes from Daddato to the Red Sea undemarcated.

14. From the contacts that the mission had in Djibouti, it emerged that although most of the border was never demarcated, there seemed to be a general consensus (both inside and outside the region) that the borderline between Djibouti and Eritrea should be as stipulated in the protocols of 1900 and 1901. This, the mission was

[4] The 1897 treaty, the 1900 and 1901 protocols, the 1935 agreement and the 1954 protocol are reproduced in annex I below.

informed, was the general understanding of Djiboutians and the basis for their bilateral and fraternal relations with Eritrea.

15. The mission was able to establish that there are major divergences in the views of both countries. For instance, in spite of the general understanding of Djiboutians referred to above, Eritrea made an attempt in 1996 to seize control of Ras Doumeira, including by publishing a border map based on the 1935 agreement. The ensuing dispute between the two countries was short-lived and was resolved through bilateral mechanisms, but the question of the borderline remained unresolved.

16. Some interlocutors of the mission felt that the current tensions could have been avoided if the two countries had reached a final ruling on the position of their border after their 1996 dispute.

V. Chronology of developments leading to the clashes of 10 to 12 June

17. The refusal of Eritrea to receive the United Nations fact-finding mission to ascertain the facts on the ground meant that only the Djibouti version and chronology of events was made available to the mission. During its visit to Djibouti, the mission was given the following chronology of events by the authorities of that country:

(a) 4 February 2008: administrative officials in the Obock region (Djibouti) alert their national authorities to civil engineering works taking place on the Eritrean side of the border. When approached by the Obock administration, the Eritrean workers affirm that the works in question are part of a road construction project that would link Obock to Assab in Eritrea. Since the two countries had previously agreed that Eritrea could construct such a road, the Obock administration presumed that the Eritrean Government would notify the Djibouti authorities before the construction team crossed the border into Djibouti territory;

(b) 10 February: Eritrean road construction machines and personnel cross the border and start construction works in Ras Doumeira without any communication between the authorities of the two countries. Over the period from 15 February to 30 March, the local authorities of Obock make several approaches to their Eritrean counterparts but fail to elicit an explanation for the unauthorized incursion into Djibouti;

(c) Mid-March: EDF elements cross the border in large numbers, occupy Ras Doumeira and Doumeira Island, and proceed to dig trenches and fortifications in the occupied areas;

(d) 7 April: the Prefect of Obock and a Djibouti military officer who intended to visit Ras Doumeira to investigate the situation are turned back by EDF;

(e) 17 April: DAF personnel deploy in Ras Doumeira and position themselves in close proximity to the EDF presence;

(f) 18 April: the Government of Djibouti initiates bilateral diplomatic contacts with Eritrea to obtain the withdrawal of EDF from its territory. The contacts include (i) a diplomatic note to the Eritrean Government, (ii) a telephone conversation between the two Heads of State on 20 April at the initiative of the

President of Djibouti and (iii) a meeting between the two Foreign Ministers on 21 April in Djibouti;

(g) 22 April: the President of Djibouti visits the border area, ostensibly at the suggestion or direct request of the President of Eritrea made on 20 April 2008, when the two leaders engaged in a telephone conversation (the rationale for the request of the President of Eritrea to his Djibouti counterpart was that the capital of Djibouti is closer to the area/border than Asmara). On the ground, the President of Djibouti establishes the fact that EDF has completely occupied Ras Doumeira and erected camps and fortifications, while fast, armed patrol boats and another patrol vessel have docked at the creek adjacent to Ras Doumeira. Following the visit of the President of Djibouti to the border, subsequent efforts to contact his Eritrean counterpart, to share his findings with him, are unsuccessful. The President of Djibouti is repeatedly told that his Eritrean counterpart is unavailable to take his calls;

(h) 23 April: Eritrean authorities refuse to receive the Foreign Minister of Djibouti, who was dispatched by his President to visit Asmara. The Foreign Minister was carrying a letter from the President of Djibouti to his Eritrean counterpart;

(i) 23 to 28 April: the Djibouti Ambassador to Eritrea tries unsuccessfully to engage the host Government on the growing dispute;

(j) 24 April: a meeting between two high-level military officers of the two countries is held in Ras Doumeira to discuss the situation. A Joint Military Committee comprising senior officers of the two countries is established to monitor the military situation and create a buffer between the positions of the two armies. Unfortunately, this is the first and last meeting of the Committee. All subsequent attempts by DAF to re-establish contact with EDF fail. The General who led the EDF delegation to the meeting of 24 April is never to be seen or heard from again;

(k) Mid-April to 10 June: while EDF and DAF are positioned at the border within a few metres of each other, over 50 Eritrean soldiers of various ranks (the exact number is yet to be established) desert their army and seek asylum on the Djibouti side. The deserters receive the protection of DAF, which refuses to heed appeals from EDF to return them. EDF issues several ultimatums and threatens reprisals if the deserters are not returned;

(l) 10 June, 1215 hours: another EDF officer deserts and crosses the border into Djibouti. DAF again offers protection, as had been the case with the previous deserters. Again, EDF commanders demand the return of the deserter, this time within an hour. DAF ignores the ultimatum;

(m) 10 June, 1840 hours: EDF opens fire at DAF while the majority of Djibouti soldiers are busy praying. The ensuing clashes last more than 24 hours. About 44 DAF soldiers are believed killed, 19 are missing in action. The number of casualties on the Eritrean side is unknown, but unconfirmed reports indicate that Eritrean losses are not considerable;

(n) After 10 to 12 June: following the growing expressions of international concern and the deliberations of the Security Council, which, inter alia, called for a pullback of the forces to their previous positions, DAF withdraws to about 4 or 5 kilometres from the Eritrean positions. The fact-finding mission was able to confirm the pullback on the ground. For its part, EDF ignores the calls for a withdrawal from

its positions on the heights of Ras Doumeira, or at least the mission was not able to ascertain the reactions of EDF to the Security Council's call for withdrawal from the newly occupied positions.

VI. Initiatives by the African Union and other organizations and efforts by bilateral actors

African Union

18. On 24 April 2008, the Minister for Foreign Affairs and International Cooperation of Djibouti addressed a letter to the Chairperson of the African Union Peace and Security Council to inform him that Eritrea had been occupying part of the Djibouti territory in Doumeira since 16 April 2008. He requested the Peace and Security Council to send a fact-finding mission to assess the situation. He also recalled that in 1996, Eritrea had made a "military incursion in the area and published a map where the borderline between the two countries had been modified".

19. The 121st, 125th and 130th meetings of the African Union Peace and Security Council, held on 24 April and 2 and 26 May, respectively, reviewed the situation and underscored the urgent need to dispatch a fact-finding mission, as requested by Djibouti. Thereafter, the African Union Commission sent messages to the authorities of Djibouti and Eritrea, informing them that it intended to dispatch the envisaged mission from 5 to 9 June. On 2 June, Djibouti indicated its readiness to receive the mission on the dates communicated. Accordingly, a mission from the African Union Commission visited Djibouti during the aforementioned period. The mission went to Doumeira, where it noted "a very tense situation", with the two armies positioned at "less than three metres facing each other". The African Union mission was also able to observe "important civil engineering works and long trenches dug on the sides of the [Ras Doumeira] mountain". The mission did not receive the approval of the authorities in Asmara to visit Eritrea.

20. At its 136th meeting, on 12 June, the African Union Peace and Security Council received the report of the African Union fact-finding mission and issued a communiqué in which it "noted with regret that the Eritrean authorities had not yet accepted to receive the mission" and "urged the two countries to show utmost restraint" and "resort to dialogue to resolve any bilateral dispute". The Peace and Security Council further "called for the immediate return to the situation prevailing at the common border between the two countries, including the withdrawal from the border of all forces that have been positioned there since 4 February 2008".

21. Up to the time of finalizing the present report, the African Union was still waiting for Eritrean officials to receive its mission. The African Union remains hopeful that, following preliminary contacts between the President of Eritrea and the Chairperson of the African Union Commission on the margins of the Tokyo International Conference on African Development, as well as contacts with the Foreign Minister of Eritrea on the margins of the African Union summit in Sharm el-Sheikh, a long-awaited invitation to Chairperson Ping to visit Asmara and hold consultations with the Eritrean authorities may still be a possibility. However, the African Union also acknowledged its limitations, especially since Eritrea does not attend African Union meetings in Addis Ababa because of its dispute with Ethiopia.

League of Arab States

22. Before the African Union mission, the League of Arab States had dispatched its own fact-finding mission to Djibouti and Eritrea, in early May. The mission was received in Djibouti and benefited from the full cooperation of the Djibouti authorities. The mission also sought to meet with Eritrean officials but was not issued visas to Eritrea. Further to its mission, the League of Arab States urged dialogue between the two countries to resolve the crisis and called on Eritrea to withdraw its troops from Doumeira.

Intergovernmental Authority on Development

23. The 12th IGAD Summit, held in Addis Ababa on 14 June 2008, also discussed the situation between Djibouti and Eritrea. In its final communiqué, the Summit expressed concern over "the recent military attack by Eritrean troops" in Ras Doumeira and "called upon both parties, in particular Eritrea, to accept mediation to resolve the crisis through peaceful means and return to the status quo ante".

24. During the fact-finding mission's discussion with senior officials of IGAD in Djibouti, the subregional body also acknowledged its limitations in dealing with the crisis, considering that Eritrea had suspended its membership in IGAD in April 2007. There are ongoing efforts to encourage Eritrea to return to IGAD. Should those efforts succeed, IGAD could conceivably be positioned to play a role in efforts to defuse the tension between Djibouti and Eritrea.

African, Caribbean and Pacific Group of States

25. A fact-finding mission mandated by the Committee of Ambassadors of the African, Caribbean and Pacific Group of States in Brussels visited Djibouti in late July 2008. The mission met with the President of Djibouti and other Government officials and undertook a field visit to Doumeira. The mission was not, however, able to visit Eritrea, nor was it able to discuss the situation at the Djibouti-Eritrea border with any Eritrean official.

European Commission

26. The European Commissioner for Development and Humanitarian Aid, Louis Michel, seems to be the only publicly known international official who visited Asmara in the immediate aftermath of the clashes of 10 to 12 June. He is reported to have visited Eritrea on 14 and 15 June and conferred with the President of Eritrea, including on the crisis with Djibouti. The United Nations fact-finding mission was unable to meet with Commissioner Michel due to time constraints and scheduling difficulties.

Bilateral efforts

27. Since the outbreak of the crisis between Djibouti and Eritrea, a number of friends and neighbouring countries have offered their assistance to facilitate a peaceful resolution of the dispute. The best known of these offers of facilitation include those from Qatar and Yemen. The outcome of such offers was not disclosed to the fact-finding mission during its visits to Addis Ababa and Djibouti.

VII. Key findings of the United Nations fact-finding mission

A. Military situation in Doumeira

28. From photographs provided by the Government of Djibouti and confirmed during the mission's visit, Ras Doumeira is a barren, rocky feature jutting out into the Red Sea, in an area between Djibouti and Eritrea. On the northern side of Ras Doumeira is a small inlet that has reportedly been improved by EDF in order to construct a harbour (some interlocutors of the mission claimed that it was a small naval facility) and to gain access to the top of the feature from the Eritrean side. Until that work was done, the only access to the summit of Ras Doumeira was from the Djibouti side to the south. East of Ras Doumeira lies Doumeira Island, which appears to have once been an extension of Ras Doumeira.

29. According to a 1954 map shown to the mission by the Minister for Foreign Affairs and International Cooperation of Djibouti, both the eastern section of Ras Doumeira and Doumeira Island belong to Djibouti, although that section of the border remains to be formally demarcated. Both Ras Doumeira and Doumeira Island overlook the Bab el-Mandeb Strait, which is between the Djiboutian coast and Yemen about 35 kilometres north-west of the proposed location where the recently announced multi-million dollar bridge between Djibouti and Yemen (a massive investment and engineering works bringing together consortiums of Arab industrialists and Gulf countries) will be constructed. From the summit of Ras Doumeira, a force can observe and dominate the land approaches to Eritrea from the south, as the remainder of the border follows the course of the Weima River, which may be an obstacle to armoured and wheeled vehicles.

30. The fact-finding mission was able to visit the area on 3 August 2008 and viewed the disputed site from a distance with binoculars. It was difficult to assess the defensive earthworks (photographic evidence produced by Djibouti) that had reportedly been constructed on Ras Doumeira by EDF. The Djibouti military provided a very good situation brief to the mission with details and photographs of the background, military build-up and repositioning of DAF. According to that brief, EDF had undertaken extensive development of its positions, making stone-pitched communication trenches that encircled the eastern tip of Ras Doumeira and fortifications at intervals along the trenches.

31. The mission found that the Djibouti military had withdrawn four to five kilometres from the disputed area, in accordance with the Security Council's presidential statement of 12 June 2008 (S/PRST/2008/20), in which the Council urged "both parties ... to show maximum restraint and withdraw forces to the status quo ante". DAF, supported logistically by the French military (in accordance with a 1977 defence treaty between France and Djibouti) has adopted a defensive posture beyond the mortar range of EDF. From the position where the mission observed the developments on Ras Doumeira, it was not obvious whether the Eritrean military were still developing what a number of interlocutors referred to as their "defensive positions" on the mountain. Some interlocutors claimed that EDF had deployed anti-aircraft weapons as part of their fortifications, although the mission was unable to clearly identify those or any other weapon systems from its observation point south of the disputed zone. Also, the mission was not in a position to determine whether EDF had already accomplished its mission (deployment) in the area, nor

was it able to definitely conclude that the new facts that had been established on the ground would become the new reality in Ras Doumeira.

32. Some military interlocutors consulted by the mission suggested that the EDF presence on Ras Doumeira consists of about one battalion, supported by a platoon of artillery and a platoon of armour and engineers who are constructing the fortifications and the small naval facility. In total, it was alleged that the Eritrean forces might number between 500 and 600 troops, although they could be quickly reinforced with troops from the port of Assab or other locations close to the border.

33. The Djiboutian military, on the other hand, has approximately one battalion each of infantry, artillery and armour corps deployed forward for area defence under very harsh conditions. Beyond the deployment of men and armour, there are requirements for close air support, attack aviation, artillery and possible naval gunfire support for any offensive military action against Ras Doumeira. The Djibouti military is unable to field such a force without significant support. In addition, it would be difficult for DAF to sustain a force of about 1,000 troops in the field for much longer, as its total force averages 4,400, including the gendarmerie, which comprises about 800 personnel.

34. Presently, the security situation on the ground could be described as stable but tense, exacerbated by extreme conditions in the area at this time of year. It is not clear how long EDF are prepared to hold the disputed sites. Djibouti seems prepared to defend its territory, although it continues to pursue diplomatic and political channels to peacefully resolve the issue. As the mission was unable to consult with the Eritrean authorities, it is difficult to determine the exact reasons why Eritrea has undertaken this venture and what future actions can be expected from the Eritrean side. However, it is unlikely, both from the mission's observation and from the perspectives of military experts familiar with the region, that EDF will undertake further advances into Djibouti territory.

35. An incontestable fact established by the fact-finding mission was that a stalemate situation has developed between Djibouti and Eritrea and that it can be resolved only through diplomatic means, especially because the current levels of military deployment are unsustainable and place an unfair burden on the peoples of both Djibouti and Eritrea.

B. Impact of the crisis on relations between the two States

36. Until June 2008, Djibouti and Eritrea had maintained fairly good bilateral relations. During the fact-finding mission, the point was routinely made that Djibouti is the one neighbouring country (apart from Saudi Arabia and possibly the Sudan) with which Eritrea had enjoyed good relations until the outbreak of the current dispute. By the account of the Djibouti authorities, it was out of such considerations that Djibouti tried in the first place to resolve the current crisis at the leadership level and through existing bilateral mechanisms between the two countries. Key among those mechanisms are a July 2006 agreement between the Ministries of Defence of the two countries, based on a treaty of friendship and cooperation between Eritrea and Djibouti, and an agreement on security matters signed in December 1995.

37. The mission was informed that, under the 2006 agreement, the two countries undertook to respect their respective borders and agreed to set up a Joint Military and Technical Committee, which would meet every six months or as requested by either party. It was further agreed that the Committee would meet once a year at both the ministerial and the military command levels. At this critical time in the history of relations between the two countries, all the aforementioned mechanisms seem to have become inoperable, a situation that the Djibouti authorities attribute to the lack of political will of the Eritrean leadership and its non-transparency as far as its real intentions are concerned.

38. Since the beginning of the current tensions, relations between Djibouti and Eritrea have significantly deteriorated, prompting Djibouti to recall its Ambassador to Eritrea and to expel Eritrea's Ambassador to Djibouti in June 2008. All diplomatic relations between the two countries are currently suspended, as Eritrea continues to downplay the gravity of the situation and to rebuff all attempts by regional and international organizations, including the United Nations, to help both countries defuse the tension.

39. Considering the scale of the current crisis, which has already led to significant loss of human life, and given the disruption of bilateral relations between the two States, only a high-level political intervention accepted by Eritrea can bring about a de-escalation of the tension and persuade the parties to demilitarize their common border and return to the status quo ante. The mission would strongly advise against further military action by either party, as there is definitely no military solution to the ongoing dispute. On the contrary, the mission felt a great need for rebuilding confidence between the two States and for healing the wounds that the crisis is creating on a daily basis.

C. Humanitarian impact of the crisis

Impact on the local population in Obock district

40. The border dispute takes place in the most arid and least populated district of Djibouti. It is only recently that its main town, Obock, was connected to the rest of the country by an asphalted road. According to the Obock district doctor, about 60,000 people, mostly pastoralists, live in this region of Djibouti. The pastoralists regularly cross borders in search of better pasture and water sources, depending on the season. Most of those living near the borders with Eritrea and Ethiopia are nomads who do not carry any national identification documents and who move freely with their livestock from one territory to the other. The current drought has particularly affected the northern and eastern parts of Obock district. Malnutrition rates have reached alarming levels and a significant percentage of the population depends on food aid and/or water trucking.

41. The clashes of 10 to 12 June 2008 and the subsequent militarization of Doumeira and Moulhoule have reportedly caused the displacement of some 207 families, which were temporarily relocated to two sites in the Obock district, called Andoli and Khor Angar. All the displaced families are current beneficiaries of the World Food Programme food aid and those in Khor Angar receive water trucking organized by the national authorities with assistance from the United Nations Children's Fund (UNICEF) for fuel supply and maintenance. The fact-finding

mission was not able to visit the displaced families, as the aforementioned relocation sites were both quite far from Doumeira.

42. Although the number of displaced persons is relatively low, the militarization of the border area has had a negative impact on the population of the area in many ways. First, the sudden influx into the area of hundreds of armed forces personnel has further overstretched the scarce resources available, water and pasture in particular; UNICEF is concerned that one of the few boreholes in the area is now exclusively used to supply water to the Djibouti military. Second, the closure of some 80 kilometres of border between Djibouti and Eritrea disrupts traditional migrations and threatens the livelihood of pastoralists in both countries, as well as in Ethiopia. Third, the closure of the Djibouti-Eritrea border has caused several families to split, with some family members left on the Djibouti side while others are on Eritrean-controlled territory. Most of the affected families are without information on the whereabouts of their separated members.

Protection issues

43. Currently, the most serious concerns are related to protection. Nineteen Djiboutian combatants have reportedly been missing in action since the clashes of 10 to 12 June. The list of missing Djibouti personnel was forwarded to the International Committee of the Red Cross (ICRC) during its recent ad hoc mission to Djibouti. ICRC was also able to visit 19 Eritrean combatants detained as prisoners by the Djibouti authorities since the clashes. Another ICRC visit to Djibouti was scheduled for mid-August.

44. ICRC has a presence in Eritrea, but authorities there have so far denied the occurrence of the border incidents of 10 to 12 June. Consequently, it has been impossible for ICRC to ascertain the presence of Djibouti prisoners of war in Eritrea as a result of those incidents.

45. As stated above, a number of Eritrean soldiers and officers have deserted EDF and crossed over into Djibouti since the beginning of the crisis. According to the Secretary-General of the Djibouti Ministry of Interior, 36 Eritrean deserters are currently under the responsibility of the Djibouti authorities of the Office of the United Nations High Commissioner for Refugees (UNHCR) has received unconfirmed reports that up to 100 Eritrean deserters are now in Djibouti and more continue to arrive, some of them high-ranking EDF officers). The Djibouti Ministry of Interior has approached UNHCR with a request that it shelter and assist the deserters, as well as help determine their status.

46. UNHCR has a strict policy for dealing with combatants and ex-combatants: deserters are considered separately from other refugees or asylum-seekers. They are placed under the protection of the host Government, and no direct UNHCR assistance can be provided to them without the approval of the Deputy High Commissioner. In order to determine whether deserters qualify for refugee status, proof has to be established that they renounced any military activity long before claiming the status of refugees. Strict exclusion clauses also apply to individuals who have committed serious human rights violations or war crimes. The mission was assured that UNHCR will support the Djibouti authorities in determining the status of the Eritrean deserters currently on Djibouti soil.

47. Resettlement to a third country is possible for EDF deserters who obtain the status of refugees. This could be a confidence-building measure and could potentially ease tensions on this sensitive issue. The future of those who will not be granted refugee status will have to be clarified as well, particularly whether the Djibouti authorities should treat them as prisoners of war. However, a more detailed consideration of this issue was considered to be outside the scope of this fact-finding mission .

Treatment of the wounded

48. Following the clashes of 10 to 12 June, about 55 Djibouti combatants were evacuated and treated by the French military. If needed, the French military, ICRC and the non-governmental organization Médecins sans frontières (each of which has a small presence in Djibouti) could provide additional supplies for the treatment of war-wounded combatants and civilians.

VIII. Observations

49. An important fact established by the mission is that the Djibouti authorities find it intolerable that a neighbour should attack their country, occupy their sovereign territory and, worse still, refuse to engage in dialogue or explain its actions. The fact-finding mission found the situation at the border to be very tense and the attitude of the people of Djibouti one of heightened expectations, especially in respect of the United Nations. Throughout the mission's visit to Djibouti, the authorities of the country strongly expressed their disappointment at being betrayed by a neighbour, Eritrea. Among the limited constituents of the population that the mission came into contact with, there was frustration and indignation at the fact that Djibouti is being unfairly targeted and drawn into a senseless crisis as a way of diverting the country's attention from its developmental efforts and its endeavour to improve the living conditions of its population.

50. Within the Djibouti military, there was anger over the actions of EDF and the studied silence of the Eritrean leadership, as if it were normal behaviour to occupy parts of the sovereign territory of another country. Many senior officers expressed to the mission, in very strong terms, their discomfort with having to accept the fact that the Djibouti army was made to withdraw from its territory after Eritrea had forcibly occupied Doumeira. While they claimed that they had withdrawn in response to the calls made by the Security Council, they contrasted their action with that of Eritrea, which not only occupied sovereign Djiboutian territory, but refused to engage with Djibouti or cooperate with efforts by the international community to defuse the crisis. By so doing, Eritrea could deliberately or unwittingly provoke Djibouti into another senseless war in the Horn of Africa.

51. Having exhaustively examined all the facts at its disposal, the mission wishes to highlight the following specific observations:

(a) Recent developments at the Djibouti-Eritrea border, especially the militarization of Doumeira, constitute a threat to the stability and socio-economic development of Djibouti. The ongoing tension poses a considerable risk to the country's internal peace and security, as it could potentially expose the democratically elected Government of Djibouti to undue pressure from an indignant Djibouti military, eager to reclaim Doumeira from EDF by force. Should the

Eritrean occupation of Doumeira be allowed to prevail as a fait accompli, it is possible that the Djibouti military could begin to perceive the country's political leadership as weak and unable to deal with the ongoing occupation of Djibouti territory. Such a scenario could easily bring about political instability. Besides, the mobilization of the Djibouti army at the border is clearly unsustainable and would constitute a huge haemorrhage on the limited resources of the country;

(b) If not addressed in a timely and comprehensive manner, the Djibouti-Eritrea issue could have a major negative impact on the entire region and the wider international community. The possible destabilization of Djibouti and the militarization of the Bab el-Mandeb Strait do not augur well for peace in the region or for international shipping and investment. Solutions must therefore be found, as a matter of the utmost priority;

(c) The mission has identified an interrelation between the Ethiopia-Eritrea conflict and the Djibouti-Eritrea crisis. Even though this issue was never discussed extensively during the mission, it is almost certain that a breakthrough in the Ethiopia-Eritrea peace process will go a long way towards securing the cooperation of Eritrea in efforts to demilitarize its border with Djibouti. Any progress in resolving the Ethiopia-Eritrea issue would also be likely to encourage Eritrea to accept an international arbitration process that would lead to a mutually accepted demarcation of the Djibouti-Eritrea border. One should not underrate the formidable impact of the protracted Ethiopia-Eritrea dispute on peace and stability in the entire Horn of Africa, given especially the frustration of Ethiopia and Eritrea at the lack of progress on this issue since the Ethiopia-Eritrea Boundary Commission ruling in April 2002. The members of the fact-finding mission share the increasingly accepted view that much of the instability in that region is related to unfinished business and the unresolved Ethiopia-Eritrea dispute, particularly their efforts to counter each other's (real or perceived) interests and actions in the region, be it in Djibouti or in Somalia;

(d) Eritrea has good experience in judicial processes and arbitration for resolving border disputes, including those with Ethiopia and Yemen. If it believes it has a border dispute with Djibouti, Eritrea should be encouraged to state so publicly and submit a case to a political and/or judicial process or arbitration to resolve it;

(e) In the short term, there may be no satisfactory resolution of the dispute without the full cooperation of both countries, especially Eritrea. Yet the situation must not be allowed to become another endless border dispute where facts are changed on the ground and two neighbours get dragged into endless disputes over how to deal with that new reality on the ground. Eritrea cannot continue saying that it has no issue with Djibouti when there is so much overwhelming evidence to confirm that there is a problem. Given that its actions are adversely affecting another country, Eritrea has an obligation to engage in dialogue over the situation that prevails in Doumeira.

IX. Recommendations

52. Through the present report, the fact-finding mission wishes to underscore the need for urgent political action to end the crisis between Djibouti and Eritrea. It seems obvious (even without knowing the true intentions of the Eritrean authorities) that neither side wants further deterioration in their relations or an escalation in the

mobilization of forces or hostile rhetoric. The United Nations seems best placed to help defuse the tension, if there is political will to resolve the crisis peacefully on both sides. Set out below are the key (interim, pending a visit to Eritrea) recommendations of the mission.

A. Conclusion of the work of the fact-finding mission

53. The offer of the good offices of the Secretary-General to defuse the tension between Djibouti and Eritrea should be renewed as a matter of the utmost priority. To provide momentum for such a political process, both countries must be made to believe that it is in their vested interest to have a balanced fact-finding mission, which would reach conclusions only after hearing from both sides. The Djibouti authorities have so far cooperated and facilitated the work of the fact-finding mission; the onus is now on the Eritrean leadership. If Eritrea alleges an invasion by Ethiopia or aggression by Djibouti, as it has done, then it has an international obligation and responsibility to cooperate with the United Nations to establish the facts. To convey the importance that the Secretary-General and the Security Council attach to an early solution to the crisis, and to enhance the confidence of the Eritrean authorities in the process, the Under-Secretary-General for Political Affairs, who undertook an earlier successful mission to Asmara, could return to the Eritrean capital in the coming weeks to consult with the Eritrean leadership.

54. The grace period for the Eritreans must not be open-ended. The engagement must be prepared in such a way that it does not draw the United Nations into any polemical arguments and political rhetoric. The Eritreans should be given a specific time frame to issue the necessary visas and facilitate the work of the mission, including on-the-spot visits to the Eritrean side of the deployment in Doumeira.

55. There are high expectations, and even demands, placed on the United Nations to deploy the maximum efforts to get the two countries out of the quagmire in which they find themselves. The current situation between Djibouti and Eritrea, notably the crisis at the border and the breakdown in diplomatic relations, should not be allowed to fester, even if on the surface the area seems "calm and quiet", as some have indicated.

B. Confidence-building through demilitarization and better treatment for deserters

56. A major priority for the United Nations and all international actors should be to persuade the two parties, Eritrea in particular, to demilitarize the border and return to the status quo ante as at February 2008. Not much would be achieved in terms of a negotiated political solution with the current state of mobilization of forces in the affected area. The Djibouti army has since pulled back. It is only logical that the Eritrean forces do the same, as was demanded by the Security Council. No country should be allowed to disregard the decisions of the Security Council with impunity, as this would not augur well for peace and security in the region and globally.

57. The mission recalls that the clashes of 10 to 12 June came after weeks of growing tension at the border and were partly the result of disagreements between

DAF and EDF over the treatment to be applied to EDF deserters who crossed into Djibouti between April and June 2008. It is therefore likely that any effort by the United Nations to facilitate dialogue between the two countries on the future of the deserters would be welcomed by Eritrea and could consequently serve as an important confidence-building measure. There are indications that ICRC is in contact with the authorities of both Djibouti and Eritrea on the issue of prisoners of war and those missing in action, as well as, to a certain extent, the reported deserters. The nature and exact substance of that engagement or its outcomes are not immediately known to the fact-finding mission. If the indications are true, ICRC and both countries should be encouraged to pursue that humanitarian initiative, quietly and away from the political limelight. At this point, more than any other action, this could encourage dialogue, generate political space and create an entry point for defusing the tension.

C. Political and judicial frameworks (arbitration)

58. Even if Eritrea and Djibouti have so far refrained from saying so, there is an undemarcated and possibly disputed border between the two countries. The existence of several colonial treaties and protocols, as well as at least three different maps and borderlines, indicates that the border inherited at independence could be under contention.

59. Reaching a final ruling on the position of the Djibouti-Eritrea border is arguably the ultimate and most rational solution to the current crisis. It is also the best insurance for preventing similar crises from erupting in the future. Long-term efforts to maintain peace between Djibouti and Eritrea should therefore focus on the initiation of a new political process or the reactivation of existing bilateral mechanisms for dealing with such problems. Where such a process does not deliver on the expected outcomes, both parties could seek recourse in an arbitration process that would culminate in a border demarcation ruling.

60. There is definitely a need for both countries to agree on which of the colonial treaties and protocols should be accepted as the basis for defining their common border (1897 Abyssinia-France treaty, 1900-1901 France-Italy protocols, 1935 France-Italy treaty). It is tragic that the two countries have been on the verge of war over treaties and protocols negotiated when they did not exist as independent States. Beyond the Organization of African Unity Cairo Declaration on the sanctity of borders inherited by African Sates as at independence, recent experience of disputes, such as that of Chad and the Libyan Arab Jamahiriya over the Aouzou Strip, could be instructive in this regard.

61. In view of the above, United Nations efforts at resolving the Djibouti-Eritrea crisis should focus on providing the two countries with a platform to discuss their common border and agree on a fair process that would lead to the demarcation of their frontier. In this respect, the Secretary-General may wish to explore with the parties the possibility of availing them of his good offices to facilitate such discussion. The Department of Political Affairs seems best placed to facilitate dialogue between the two countries on demilitarizing the border and initiating a political process. Such a process should preferably take place under the leadership of a special envoy who would take over after the proposed visit of the Under-Secretary-General for Political Affairs to Asmara.

X. Conclusion

62. This is only a partial report by the fact-finding mission. Despite this limitation, it offers insight into the state of the relations between Djibouti and Eritrea. Hopefully, the authorities in Eritrea will respond positively and in a timely manner to the offer of good offices by the Secretary-General. The situation remains fragile, volatile and urgent. The uneasy calm that prevails should not lull the United Nations into complacency. In the event that the offer by the United Nations is again rebuffed by Eritrea, the matter should be referred to the Security Council for appropriate action. A sovereign country is being drawn into a crippling and unaffordable military mobilization, to deal with a situation that may ultimately threaten national, regional and international peace. For now, the fact-finding mission's conclusion is that there is still some scope for further political engagements, especially with Eritrea.

Annex I

Protocols and treaties

1897

Convention
pour les frontières.

Entre Sa Majesté Menilek II
Roi des Rois d'Ethiopie et Mon-
sieur Lagarde, Ministre plénipo-
tentiaire, Représentant du
Gouvernement de la République
Française, officier de la Légion d'
Honneur, Grand Croix de l'ordre
Impérial d'Ethiopie, il a été con-
venu ce qui suit :

La frontière de la zône côtière con-
servée par la France comme pos-
session ou Protectorat direct sera
indiquée par une ligne partant
de la frontière franco-anglaise
à Ouallelo, passant à Rahali, le
mont Daguen, Gallola, Sobad,
Hirali, le bord du Lac Abbi,
Mergada, le bord du Lac Alli et
de là remontant par Waimuli et
Aughino Marci, puis gagnant
Dumeirah par Ettaga en côtoy-
ant Rakeitah.

(Voir Carte de Chaurand 1894)

Il est bien entendu qu'aucune Puissance étrangère ne

pourra se prévaloir de cet arrangement pour s'immiscer sous quelque forme et quelque prétexte que ce soit dans les régions situées au delà de la zône côtière française.

Le Lac Assal étant l'héritage de l'Empire d'Ethiopie, il est convenu qu'on ne défendra jamais de prendre dans ce Lac le sel destiné à l'Ethiopie et que l'arrangement qui a été fait avec une Compagnie au sujet du Lac Assal reste intact.

Ecrit à Addis Abeba le 12 Mégabit 1889 (20 mars 1897)

Donné en 1938

TRAITE ENTRE LA FRANCE ET L'ITALIE
RELATIF AU REGLEMENT DE LEURS INTERETS EN AFRIQUE

Le Président de la République Française et Sa Majesté le Roi d'Italie, désireux de développer en Afrique les relations d'amitié et de bon voisinage qui existent entre les deux Nations et, pour ce faire, de régler d'une manière définitive les questions pendantes au sujet des Conventions du 28 Septembre 1896 relatives à la Tunisie et de l'Accord de Londres du 26 Avril 191[illegible] en son article 13, ont désigné pour leurs plénipotentiaires, savoir :

le PRESIDENT de la REPUBLIQUE FRANCAISE :

M. Pierre LAVAL, Ministre des Affaires Etrangères,

et SA MAJESTE LE ROI D'ITALIE :

M. Benito MUSSOLINI, Chef du Gouvernement, Ministre des Affaires Etrangères,

lesquels, après avoir reconnu leurs pleins pouvoirs en bonne et due forme, sont convenus des dispositions suivantes :

TITRE Ier. - QUESTIONS TUNISIENNES

Article Ier.

Les situations et les droits des Italiens et sujets coloniaux italiens en Tunisie et des Tunisiens en Italie seront réglés par une Convention Spéciale, dont les bases sont fixées dans un Protocole spécial en date de ce jour, et que les Hautes Parties

./.

contractantes s'engagent à négocier dans les plus bref délai possible, de telle manière qu'elle entre en vigueur à la même date que le présent Traité.

TITRE II. - FRONTIERE ENTRE LA LIBYE ET LES COLONIES FRANCAISES LIMITROPHES

Article 2.

La frontière séparant la Libye de l'Afrique Occidentale Française et de l'Afrique Equatoriale Française à l'est de Tummo, point terminal de la ligne fixée par l'accord de Paris du 12 septembre 1919, sera déterminée ainsi qu'il suit :

- une ligne directe partant de Tummo et rejoignant l'EHI DOMAR DOBA;

- de l'EHI DOMAR DOBA, une ligne droite rejoignant l'extrémité Nord-Est de l'EHI DOGOLOGA;

- de l'EHI DOGOLOGA , une ligne droite rejoignant l'ENNERI TUNKOU en un point situé en aval du confluent de celui-ci avec l'ENNERI GUESSO, de telle sorte que le tronçon DOGOLOGA-ENNERI TUNKOU de la piste caravanière du Fezzan vers BARDAI reste en territoire français ;

- de ce point, une ligne droite rejoignant le confluent de l'ENNERI BARDAGUE avec l'ENNERI MOKOGOI ou OFOUNI;

- de ce confluent, la ligne des hauteurs séparant l'ENNERI BARDAGUE de l'ENNERI MOKOGOI ou OFOUNI, puis la ligne des crêtes jusque'à l'EHI HADOU, de telle sorte que les affluents de droite de l'ENNERI BARDAGUE-ZOUMERI, notamment les ENNERI OURI, TINAA, OUADAKE, ARAYE, MECHEUR, YIRENNO, AGUEBRE, KAYAGA, ARECHE, restent en territoire français ;

./.

- de l'EMI MADOU, une ligne droite rejoignant YERISUR, à 10 kilomètres en amont de YEBRI-GOUMA;

- de ce point, une ligne droite rejoignant le point géodésique d'AOZI;

- de ce point, une ligne droite rejoignant l'intersection du 24ème degré de longitude Est Greenwich et du 18ème degré 45' de latitude nord.

Ce tracé est indiqué sur la carte N.1 jointe au présent Traité.

Article 3.

Des Commissaires spéciaux, délégués à cet effet par les deux Gouvernements, procéderont sur les lieux, d'après les données énoncées à l'article précédent, à une démarcation effective. Ils soumettront aux deux Gouvernements, en même temps que le résultat de leurs travaux, un projet d'accord sur les dispositions à prendre pour assurer d'une manière efficace la police dans la zone frontière et pour y régler l'utilisation des pâturages et des points d'eau par les populations indigènes.

TITRE III. - FRONTIERES ENTRE L'ERYTHREE ET LA COTE FRANCAISE DES SOMALIS

Article 4.

Le tracé suivant sera substitué à la délimitation établie entre l'Erythrée et la Côte Française des Somalis par les Protocoles de Rome en date des 24 Janvier 1900 et 10 Juillet 1901 :

- de DER ELOUA sur le détroit de BAB-EL-MANDEB une ligne droite rejoignant l'OUED HEDMA immédiatement en aval de DAADATO.

./.

Ce tracé est indiqué sur la carte N°2 jointe au présent Traité.

Article 5.

Des Commissaires spéciaux, délégués à cet effet par les deux Gouvernements, procéderont sur les lieux, d'après les données énoncées à l'article précédent, à une démarcation effective. Ils soumettront aux deux Gouvernements, en même temps que le résultat de leurs travaux, un projet d'accord sur les dispositions à prendre pour assurer d'une manière efficace la police dans la zone frontière et pour y régler l'utilisation des pâturages et des points d'eau par les populations indigènes.

Article 6.

La France reconnaît la souveraineté de l'Italie sur l'île DOUMEIRAH et les îlots sans nom adjacents à cette île.

Article 7.

Le présent Traité sera ratifié et les ratifications seront échangées à Rome dans le plus bref délai possible. Il entrera en vigueur le jour de l'échange des ratifications.

En foi de quoi, les Plénipotentiaires susnommés ont signé le présent Traité, établi en double exemplaire, et y ont apposé leurs cachets.

Fait à Rome le 7 Janvier 1935

AMBASSADE DE FRANCE
EN ETHIOPIE

PROTOCOLE DE DELIMITATION DE LA FRONTIERE
ENTRE LA COTE FRANÇAISE DES SOMALIS ET L'ETHIOPIE

- - - - - - - - - - - - - - - -

Le Gouvernement de la République Française et le Gouvernement Impérial d'Ethiopie, désireux de resserrer les liens d'amitié existant entre la France et l'Ethiopie et de se mettre définitivement d'accord sur le tracé des frontières entre la Côte Française des Somalis et l'Empire d'Ethiopie qui a déjà fait l'objet:

- de la Convention pour les frontières du 20 Mars 1897,
- du Protocole franco-anglo-éthiopien du 18 Avril 1934,
- du Protocole franco-éthiopien du 5 Septembre 1945,
- des accords franco-éthiopiens du 3 Juin 1947,
- des accords franco-éthiopiens du 29 Octobre 1949,
- du Procès-verbal du 6 Mai 1953 de la 16ème réunion de la commission mixte d'abornement de la frontière,

sont convenus:

1°) De considérer comme définitif le tracé de la frontière de Mabanda-Djallelo à Dirko-Koma déjà délimité et abornè, tel qu'il est décrit dans le procès-verbal de la 16ème réunion, tenue le 6 Mai 1953, de la Commission franco-éthiopienne d'abornement de frontières et dans ses annexes.

..../.

2°) De procéder, aussitôt après la signature du présent protocole, à la restitution ou au transfert réciproque des territoires occupés par l'une ou l'autre des deux parties au-delà de la frontière déjà délimitée et abornée, l'opération devant commencer quinze jours après cette signature et devant être achevée au plus tard dans le délai d'un mois à partir du commencement de l'opération du transfert. Le point de départ pour l'opération sera Mahada-Dallelo.

3°) De faire procéder ensuite, dans le délai d'un mois après l'achèvement de l'opération du transfert, et suivant les principes adoptés dans le passé par la commission mixte, à la délimitation de la frontière de Dirko-Koma à Adguéno-Garci et de là jusqu'à Daddato, point d'aboutissement des travaux de délimitation de la frontière entre la Côte Française des Somalis et l'Erythrée.

4°) De faire procéder, aussitôt après, à l'abornement de cette dernière portion de frontière, de Dirko-Koma à Adguéno-Garci et de là jusqu'à Daddato.

En foi de quoi le présent protocole a été signé en double exemplaire.

Fait à Addis-Abeba, le 16 Janvier 1954

L'Ambassadeur de France

Le Ministre des Affaires Etrangères d'Ethiopie.

10 janvier 1901

PROTOCOLE.

La Commission spéciale visée par l'article II du Protocole signé à Rome, le 24 janvier 1900, entre la France et l'Italie, au sujet de la frontière délimitant leurs possessions respectives dans la région côtière de la mer Rouge et du golfe d'Aden, ayant achevé, sur les lieux, le travail dont elle avait été chargée, et le dit Protocole devant maintenant être complété d'après les résultats de ce travail, les soussignés, dûment autorisés à cet effet, ont stipulé ce qui suit:

La ligne de frontière stipulée par l'article I du Protocole 24 janvier 1900 a son point de départ à la pointe extrême du ras Doumeirah; elle s'identifie ensuite avec la ligne de partage des eaux du promontoire de ce nom; après quoi, à savoir après le parcours d'un kilomètre et demi, elle se dirige en ligne droite au point, sur le Weima, marqué Bisidito dans la carte ci-annexée.

A partir de Bisidiro, la ligne se confond avec le *thalweg* du Weima, en le remontant jusqu'à la localité que la carte ci-annexée dénomme Daddato, cette localité

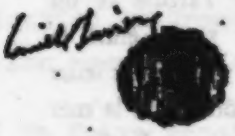
marquant ainsi le point extrême de la délimitation franco-italienne établie par le susdit Protocole 24 janvier 1900.

En foi de quoi, le présent Protocole a été dressé et signé en double exemplaire.

Fait à Rome, le 10 juillet 1901.

L'Ambassadeur de France

Le Ministre des affaires étrangères de S. M. le Roi d'Italie



24 janvier 1900

PROTOCOLE.

Les Gouvernements de France et d'Italie ayant convenu de procéder à la délimitation mutuelle de leurs possessions dans la région côtière de la Mer Rouge et du golfe d'Aden, les soussignés, dûment autorisés à cet effet, ont stipulé ce qui suit:

Article I.

Les possessions italiennes et les possessions françaises sur la côte de la Mer Rouge sont séparées par une ligne ayant son point de départ à l'extrémité du ras Doumeirah, suivant la ligne de partage des eaux du promontoire de ce nom, et se prolongeant ensuite, dans la direction du sud-ouest, pour atteindre, après un parcours d'environ soixante kilomètres depuis ras Doumeirah, un point à fixer d'après les données suivantes:

Après avoir pris comme point de repère, sur une ligne suivant, à environ soixante kilomètres d'écart, la direction générale de la côte de la Mer Rouge, le point équidistant du littoral italien d'Assab et du littoral français de Tadjourah, on fixera, comme point extrême de la ligne de démarcation dont il est question ci-dessus, un point à nord-ouest du point de repère, à une distance de 15 à 20 kilomètres. Le point extrême et la direction de la ligne de démarcation devront, en tout état, laisser du côté italien les routes caravanières se dirigeant de la côte d'Assab vers l'Aussa.

Article II.

Des Commissaires spéciaux, délégués à cet effet par les deux Gouvernements, procéderont sur les lieux,

d'après les données énoncées à l'article précédent, à une démarcation effective. En prenant pour point de départ de la frontière le ras Doumeirah, et en déterminant le tracé de cette frontière, ils feront en sorte que le point extrême de la ligne puisse être facilement identifié par le choix d'un mamelon, d'un rocher ou d'un autre accident de terrain.

Article III.

Les deux Gouvernements se réservent de régler plus tard la situation de l'île Doumeirah et des îlots sans nom adjacents à cette île. En attendant, ils s'engagent à ne les pas occuper, et à s'opposer, le cas échéant, à toute tentative, de la part d'une tierce puissance, de s'y arroger des droits quelconques.

En foi de quoi, le présent Protocole a été signé en double exemplaire.

Fait à Rome, ce 24 janvier 1900.

L'Ambassadeur de France — *Le Ministre des affaires étrangères de S. M. le Roi d'Italie*

Annex II

ADDIS ABABA

THE AFRICAN UNION

i Amb. Ramtane Lamamra, Commissioner for Peace and Security of the African Union (AU)

ii Mr. Elghassim Wane Head of the AU Conflict Management Division (CMD)

iii Gen. Jaotody Jean de Matha, member of the AU fact-finding mission to Djibouti and Eritrea, which visited Djibouti from 5-9 June 2008.

THE LEAGUE OF ARAB SSTATES

- Amb. Ahmed Salah-Eldin Nosh, Resident Representative of the League of Arab States (LAS) to Ethiopia, the AU and the UNECA. the UN, the Eritrean authorities refused to cooperate with the LAS mission.

ETHIOPIAN GOVERNMENT

- Amb. Sahlework Zawde Head of the Africa Department at the Ethiopian Ministry of Foreign Affairs. Met the delegation on behalf of the Vice Minister of Foreign Affairs, H.E. Mr. Tekeda Alemu, who at the time, was out of Addis Ababa.
- Gen. Samora Chief of Staff of the Ethiopian Armed Forces (EAF), on behalf of the Ministry of Defence

Annex III

DJIBOUTI

Membres du Gouvernement
- Son Excellence Monsieur Ismaïl Omar Guelleh, Président de la République. Chef du Gouvernement
- Son Excellence Monsieur Dileita Mohamed Dileita, Premier Ministre
- Son Excellence Monsieur Mahmoud Ali Youssouf, Ministre des Affaires Etrangères et de la Coopération Internationale
- Son Excellence Monsieur Ougoureh Kifleh Ahmed, Ministre de la Défense

Forces Armées Djiboutiennes
- Général Fahti Ahmed Houssein, Chef de l'Etat Major Général
- Général Zakaria Cheik Ibrahim, Chef de l'Etat de la Marine, Commandant du terrain

Présidence
- Mademoiselle Souad Houssein Farrah, Conseillère juridique du Président de la République
- Madame Fathiya Djama Oudoum, Conseillère diplomatique du Président de la République

Ministère des Affaires Etrangères et de la Coopération Internationale
- Monsieur Badri Ali Bogoreh, Secrétaire Général
- Madame Marie Natalis, Directrice des Affaires Juridiques et Consulaires

Ministère du Transport
- Monsieur Omar Wahib Aref, Directeur du Transport et Conseiller technique du Ministre de Transport
- Monsieur Mohamed Clem, Conseiller juridique du Ministre de Transport

Ambassade des Etats-Unis
- Monsieur Eric Wong, Chargé d'affaires p.i.
- Monsieur Matt Romagnuolo, Attaché militaire
- Monsieur Collin Greene, Conseiller politique
- Monsieur Niles Cole, Attaché Culturel

Ambassade de France
- Son Excellence Monsieur Dominique Decherf, Ambassadeur
- Colonel Jean Cremadès, Attache de Défense, Commandant p.i. des Forces Françaises stationnées à Djibouti

IGAD
- Monsieur Azhari Karim, Secrétaire Exécutif p.i.
- Monsieur Youssouf Omar Guelleh, Responsible des relations Publiques
- Monsieur Ali Daher Had, Chef de la Section des finances

Système des Nations Unies

- Monsieur Sunil Saigal, Coordonnateur Résident et Représentant Résident du PNUD et de l'UNFPA (et Représentant p.i. de la FAO et de l'OMS)
- Monsieur Benoît Thiry, Représentant du PAM
- Monsieur Ahmedou Sidi Babah, Chargé de Bureau, UNICEF
- Madame Marie-José Santos-Kpakpo, Chargée de Bureau, UNHCR
- Madame Rachida Souissi, Coordonnatrice de Progmmme, OMS
- Madame Aicha Djama Ibrahim, Assistant Representative, UNFPA
- Monsieur Gabriel Faye, Conseiller à la Sécurité, UNDSS